

example embodiments directed to light reflected from a portion of the die, and include light reflected from a portion in the die. The response to arguments on page 4 of the Office Action indicates that the question is “how can any of the information on defects in the die be encoded in the reflected beam if the first light beam is reflected at the surface of the back side?” In response, Applicant submits that the subject matter is not necessarily limited to a beam reflected at the surface of the back side. For example, claim 1 is directed to subject matter including directing a first beam of light *into* the back side which reflects a second beam of light back, and detecting therefrom a surface defect *in* the die. As discussed above and in connection with FIG. 2 and page 10, lines 15-20, the reflection may be from a surface 231 *within* the die that includes a defect, and not necessarily at an outer surface of the back side.

In regard to the Office Action’s mention of polarization orientations and light scattering, Applicant requests clarification because none of these elements are specifically claimed. In regard to the Office Action’s mention of interferometer structure, Applicant submits that various interferometer structures would be applicable for use in connection with the present invention, and that one skilled in the art would recognize what such interferometer structures are. For example, as the Office Action acknowledges on page 2, the pages in the text of *Confocal Scanning Microscopy and Related Imaging Systems* teach a confocal interferometer. In addition, FIG. 2 shows an example structure that can be used in a manner similar to other disclosed interferometry techniques. In regard to light containing encoded defect information, as mentioned in the Office Action, Applicant also requests clarification because no such “encoded” defect information is claimed in the present invention. In addition, Applicant submits that various examples for detecting a defect using the light are provided in the Specification (*see, e.g.*, page 8, lines 9-16). For instance, a reflection from a die undergoing analysis is compared to other dies as a reference, and differences exhibited by the comparison can be an indication that a defect exists (*see, e.g.*, page 11, lines 4 - 14 of the Specification). Moreover, none of the cited elements related to the Section 112 rejection are claimed, nor are they necessary to practice the invention. Therefore, Applicant submits that disclosure of any such teaching for unclaimed limitations is not required.

In regard to the Section 103(a) rejection, Applicant submits that no single reference or combination of references teaches or suggests every element of the claimed invention, as

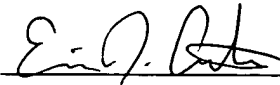
indicated on page 3 of the Office Action. Specifically, the '838 reference fails to teach or suggest claimed elements of the present invention including defect detection and/or thinning as indicated on page 4 of the Office Action. Should the rejection be maintained, Applicant requests documentation including teaching or suggestion of the asserted modification of the '838 reference for the subject matter indicated as missing from the '838 reference in the Office Action.

Applicant further submits that the Office Action has not provided motivation for modifying the '838 reference. Applicant has reviewed the '838 reference and cannot find teaching or suggestion for modifying the reference to achieve the claimed limitations. Recent case law indicates that the reasons one of ordinary skill in the art would have been motivated to select the references and combine them should be specifically identified and shown by some objective teaching leading to the modification. *See, e.g., In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999). In the present instance, the Office Action has not indicated reasons why one skilled in the art would be motivated to modify the '838 reference, nor has any objective teaching leading to the modification been provided. Therefore, Applicant submits that the Section 103(a) rejection is improper and should be removed.

In view of the above, Applicant submits that each of the claims is in condition for allowance. Reconsideration and withdrawal of the rejections, along with a favorable response, are earnestly requested.

Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at 651/686-6633.

CRAWFORD PLLC
1270 Northland Drive, Suite 390
St. Paul, Minnesota 55120
(651) 686-6633

By: 
Name: Eric J. Curtin
Reg. No.: 47,511